

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

SQUARE, INC.,  
Petitioner

v.

SENDSIG, LLC,  
Patent Owner

---

Case No.: To Be Assigned  
Patent No.: 6,564,249

Filing Date: October 15, 2001  
Issue Date: May 13, 2003

**Title: Method and System for Creating and Sending Handwritten or  
Handdrawn Messages**

---

PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 6,564,249  
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *ET SEQ.*

Mail Stop *Inter Partes* Review  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## TABLE OF CONTENTS

I.	37 C.F.R. § 42.8: MANDATORY NOTICES .....	1
A.	37 C.F.R. § 42.8(b)(1): Real Party-In-Interest .....	1
B.	37 C.F.R. § 42.8(b)(2): Related Matters.....	1
C.	37 C.F.R. § 42.8(b)(3) and (4): Identification of Counsel and Service Information .....	1
II.	REQUIREMENTS FOR <i>INTER PARTES</i> REVIEW.....	2
A.	Payment of Fees.....	2
B.	Grounds for Standing.....	2
III.	IDENTIFICATION OF CHALLENGE.....	2
A.	Statutory Grounds and Identification of Prior Art.....	2
B.	How the Challenged Claims Are Unpatentable.....	3
IV.	OVERVIEW OF THE '249 PATENT .....	3
A.	Summary of the '249 Patent .....	3
B.	Claims of the '249 Patent .....	7
C.	Claim Construction .....	8
D.	The Priority Claim of the '249 Patent is Deficient.....	13
1.	Legal Standard for Priority Based on a Provisional Application .....	14
2.	The '636 Provisional Fails to Provide Section 112 Support for the “Real-Time” Limitations .....	15
a.	“Real-Time” is Required by All of the '249 Patent Claims and Discussed Throughout the '249 Patent Specification.....	15
b.	The '636 Provisional does not describe or enable a system for “Real-Time” communication.....	16
3.	The Inventor’s Declaration Under 37 C.F.R. § 1.131 is Also Deficient.....	17
V.	THE CHALLENGED CLAIMS ARE UNPATENTABLE .....	20
A.	The Legal Standard for Obviousness.....	20
B.	Person of Ordinary Skill in the Art.....	21
C.	Detailed Description of Grounds for Rejection.....	22

Petition for *Inter Partes* Review of  
U.S. Patent No. 6,564,249

1. Ground 1 – <i>Busey + Blakeslee</i> .....	22
a. Description of Ground 1 Prior Art .....	23
i. Busey .....	23
ii. Blakeslee.....	26
b. Motivation to Combine .....	29
c. Claim Chart for Ground 1 .....	33
2. Ground 2 – <i>Szymansky + Busey</i> .....	53
a. Description of Ground 2 Prior Art .....	53
i. Szymansky.....	53
ii. Busey .....	57
b. Motivation to Combine .....	58
c. Claim Chart for Ground 2 .....	63
VI. CONCLUSION .....	79

## TABLE OF AUTHORITIES

	Page(s)
<b>Cases</b>	
<i>Anascape, Ltd. v. Nintendo of Am., Inc.</i> , 601 F.3d 1333 (Fed. Cir. 2010).....	15
<i>Ariad Pharms., Inc. v. Eli Lilly &amp; Co.</i> , 598 F.3d 1336 (Fed. Cir. 2010).....	14, 15, 17
<i>Coleman v. Dines</i> , 754 F.2d 353 (Fed. Cir. 1985).....	18
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966).....	21
<i>In re Nilssen</i> , 851 F.2d 1401, 7 USPQ2d 1500 (Fed. Cir. 1988).....	60
<i>In re Steed</i> , 802 F.3d 1311 (Fed. Cir. 2015).....	18
<i>Kinetic Concepts, Inc. v. Smith &amp; Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012).....	20
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	21
<i>New Railhead Mfg., L.L.C. v. Vermeer Mfg. Co.</i> , 298 F.3d 1290 (Fed. Cir. 2002).....	14
<i>Quake v. Lo</i> , 928 F.3d 1365 (Fed. Cir. 2019).....	14
<i>Storer v. Clark</i> , 860 F.3d 1340 (Fed. Cir. 2017).....	15
<i>Uber Techs., Inc. v. X One, Inc.</i> , No. 2019-1164 (Fed. Cir., May 5, 2020).....	32
<i>Univ. of Rochester v. G.D. Searle &amp; Co.</i> , 358 F.3d 916 (Fed. Cir. 2004).....	14, 17
<b>Statutes</b>	
35 U.S.C. § 102(b).....	22, 53

Petition for *Inter Partes* Review of  
U.S. Patent No. 6,564,249

35 U.S.C. § 102(e).....	53
35 U.S.C. § 103(a).....	2, 20
35 U.S.C. § 112.....	14, 15
35 U.S.C. § 282(b).....	8

**Rules and Regulations**

37 C.F.R. § 42.10(b).....	2
37 C.F.R. § 42.100.....	1, 8
37 C.F.R. § 42.104(a).....	2
37 C.F.R. § 42.104(b).....	1, 3

\* All emphasis used in quotations has been added unless otherwise noted.

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

### LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

### FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

### E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.